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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,249	01/21/2004	Kia Silverbrook	RRA06US	1592
24011	7590	11/10/2005	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			FIDLER, SHELBY LEE	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,249	<b>Applicant(s)</b> SILVERBROOK, KIA	
	<b>Examiner</b> Shelby Fidler	<b>Art Unit</b> 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/8/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd et al. (US 6679596 B2).

**With regards to claim 1**, Boyd teaches a printer cartridge for an inkjet printer (col. 3, lines 21-23) including:

printing fluid storage for storing one or more printing fluids (elements 202, 204, 206, Figure 17);

a pagewidth printhead (col. 4, lines 17-18) in fluid communication with the printing fluid storage (Figure 4 shows fluid storage 36 in communication with a printhead); and

a refill port in fluid communication with the printing fluid storage (elements 86, Figure 17).

**With regards to claim 2**, Boyd teaches a body in which the printing fluid storage is located and to which the pagewidth printhead and the refill port are attached (Figure 17).

**With regards to claim 3**, Boyd teaches that the printing fluid storage includes separate printing fluid storage reservoirs for each of the one or more printing fluids (col. 7, lines 31-32).

**With regards to claim 4**, Boyd teaches that the refill port includes one or more inlets corresponding to, and in communication with, each of the separate printing fluid storage

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reservoirs (Figure 17 shows elements 92', 92'', and 92''' communicating with elements 202, 204, and 206, respectively).

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3 and 4 are provisionally rejected under the judicially created doctrine of double patenting over claim 5 of copending Application No. 10/760245. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

Application # 10760249 - claim 1	Application #10760245 - claim 5
A printer cartridge for an inkjet printer including . .	. . . a printer cartridge having . . .
. . . printing fluid storage for storing one or more	. . . a number of storage reservoirs, each of said

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printing fluids . . .	storage reservoirs dedicated to store a predetermined one of a number of printing fluids . . .
. . . a pagewidth printhead in fluid communication with the printing fluid storage . . .	. . . wherein, the printer cartridge includes a printhead in communication with the ink storage reservoirs, wherein the printhead is a pagewidth printhead.
. . . a refill port in fluid communication with the printing fluid storage.	. . . refill port inlets in communication with a particular one of a number of storage reservoirs . . .
<b>Application # 10760249 - claim 3</b>	<b>Application #10760245 - claim 5</b>
. . . wherein the printing fluid storage includes separate printing fluid storage reservoirs for each of the one or more printing fluids.	. . . a number of reservoirs, said reservoirs each dedicated to store a predetermined one of a number of printing fluids . . .
<b>Application # 10760249 - claim 4</b>	<b>Application #10760245 - claim 5</b>
. . . wherein the refill port includes one or more inlets corresponding to, and in communication with, each of the separate printing fluid storage reservoirs.	. . . having a refill port including inlets corresponding to, and in fluid communication with, each of a number of storage reservoirs . . .

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

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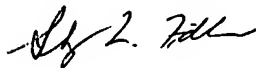
*Specification*

The disclosure is objected to because of the following informalities: Elements referred to in the amended specification are not present in the drawings. On page 7, line 23, item 22 is not present in Figure 13; and on page 7, line 24, item 124 is not present in Figure 13; and on page 9, line 7, the silicon wafer substrate has reference number 801, where it later has reference number 8015.

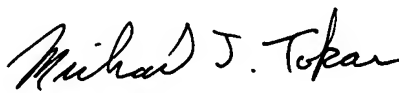
Appropriate correction is required.

*Conclusion*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SLF



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